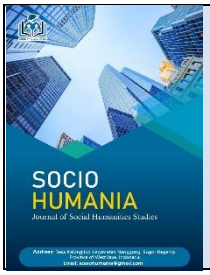

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Law Enforcement Againts Motorcyclist Violations (Case Study of Maros Police)

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ABSTRACT

This study aims to determine the law enforcement of motorcycle driver traffic violations from 2020-2022 in the Maros police station and to find out efforts to overcome traffic violations against motorcycle drivers in the Maros police traffic unit. This research uses empirical juridical research methods, namely research procedures that produce descriptive data in the form of written words examining the theories of the concepts of legal principles as well as laws and regulations and oral from people. The types and sources of data used are primary data obtained directly in the field or research location at the Maros police station through interview techniques, secondary data traced through literature review either sourced form books, magazines, journals, or media. As for the results of this study, namely law enforcement of motorcycle driver traffic violations in Maros district, from research data violations committed by the Maros community every year continue to increase. The most common cases are not wearing an Indonesian national standard helmet (SNI) and not carrying documents in the form of a driver's license (SIM) and vehicle registration number (STNK) when driving. One of the factors causing less than optimal law enforcement is due to the covid-19 pandemic. The countermeasures taken by the Maros police are, pre-emtif efforts in the form of socialization, preventive efforts in the form of obedient operations and repressive efforts in the form of giving ticket sanctions to violators.

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INTRODUCTION

Transportation is one of the most important things for individuals and the people of Maros. Transportation seems to be a part of life because humans have the nature of movement

or mobility as social creatures. However, not a few people only think of individual interests so they use transportation and transportation facilities without thinking about other people or the public interest. The growing population, the increasing needs of people, and the advancement of increasingly sophisticated technology have an impact on the crowded transportation on the streets. In simple terms, traffic can be understood as the movement of people and vehicles on the road. In addition to supporting a smooth transportation system, a traffic system that is safe for driving is also needed (**Anggi Febriyani, 2022**).

Traffic violations are a situation where there is a mismatch between rules and implementation. The rules in this case in question are laws that have been applied by the state that apply legally, while the community becomes the implementation in following the rules written in the articles if they are not in accordance with an article then a traffic violation. And a traffic violation cannot be ignored because the source of the violation is what causes a traffic accident, although there must also be other factors that cause traffic accidents. At this time, there are a lot of people in Maros who commit a traffic violation in which the driving party or driver who passes traffic. It is a criminal act committed in the aspect of law enforcement criminal acts according to the form and nature contrary to the order or openness desired by the law, the act is an act that violates the law (**Moeljatno,2008**).

With the high number of motorcycle driver violations in the Maros police sector, it is appropriate for the traffic police as law enforcement officers who are directly related to these cases to make more optimal efforts in controlling the occurrence of traffic violations.

The legal action for traffic violations in Maros is of course in the form of giving tickets or fines, basically there are already special rules, namely:

1. Follow or undergo a trial in court that has been determined on the day of the time based on the ticket given by the officer when the violator is ticketed.
2. Violators who cannot attend the trial can deposit the fine with a bank appointed by the government (**Gunawan Januar S, 2015**).

Article 291 No. 22 of 2009 Road Traffic and Transportation Law stipulates that every motorcyclist in Maros must wear a helmet. The rule is to protect motorcyclists from the impact of hard objects against the rider's head, in many cases of motorcycle accidents many victims died because they did not use helmets while driving. According to the Maros Police Traffic Unit, helmet violations are quite common. The obligation to use an Indonesian national standard helmet for motorcyclists is regulated in Article 57 paragraph (1) jo paragraph (2) of Law No. 22 of 2009 concerning Road Traffic and Forces which reads:

1. Every motorized vehicle operated on the road must be equipped with motorized vehicle equipment.
2. Equipment as referred to in paragraph (1) for motorcycles to the Indonesian National Standard Helmet.

In addition, Article 106 paragraph (8) of Law No. 22 Year 2009 stipulates that: "Every person who drives a Motorcycle and Passenger of a Motorcycle must wear a helmet that meets the Indonesian national standard.

Article 291 Paragraph (1) of Law No. 22 of 2009 explains that:

1. Every person who drives a motorcycle without wearing an Indonesian national standard helmet as referred to in Article 106 paragraph (8) shall be punished with a maximum imprisonment of 1 (one) month or a maximum fine of Rp. 250,000 (two hundred fifty thousand rupiah).

As in the rules stated in the articles of the law there are not a few with the substance of these articles, this condition is hereinafter referred to as a violation of the law. In writing this

thesis, what is meant is Law Number 22 of 2009 concerning Road Traffic and Transportation in suppressing the number of traffic violations that do not use helmets and are not in accordance with Indonesian National Standards (SNI), Preventive and repressive Traffic Units in order to realize security, safety, openness, and smoothness of good traffic (**Anggi Febriyani, 2022**).

RESEARCH METHOD

In writing this journal, the author conducted research at Maros Police Station. The method of approach used in this research is normative juridical, which is a deductive research that begins with an analysis of the articles in the laws and regulations governing the above problems, juridical legal research means research that refers to existing literature studies or secondary data used, while normative means legal research that aims to obtain normative knowledge about the relationship between one regulation and another and the application in practice. Sources of data collection in the research are primary data and secondary data. Primary data is data obtained directly in the field or research location through interview techniques, while secondary data is data obtained from books, magazines, journals or electronic media and mass media that we consider relevant.

RESULT AND DISCUSSION

Law Enforcement Against Traffic Violations of Motorcycle Drivers.

Law enforcement or what is known as law enforcement must be implemented in Indonesia to realize legal protection and certainty. Likewise, the performance of law enforcement officials must be supported by adequate means. So that law enforcement is not only through legislation, but also by means of how to empower legal apparatus and facilities in order to create conducive law. So that law enforcement becomes a measure of the progress and welfare of a country (Gunawan Januar S, 2015).

Traffic violations are acts that conflict with traffic or its implementing regulations, whether or not they can cause casualties. Adam Chazawi in his book explains that road traffic violations are violations of road traffic laws and regulations (Adam Chazawi, 2013).

The types of traffic violations are divided into three;

1) Serious violations with a maximum penalty of 6 months and a maximum fine of Rp.1,000,000,
2) Medium Offenses with a maximum criminal sanction of 3-4 months and a maximum fine of Rp.500.000,-Rp.1.000.00 and
3) Minor Offenses with a maximum criminal sanction of 2 months and a maximum fine of Rp.100,000-Rp.500,000 (Lucky, 2022).

Criminal law enforcement is an ultimum remedium or the last legal remedy because its purpose is to punish the perpetrator with imprisonment or fines. Thus, criminal law enforcement does not serve to improve the polluted environment. However, criminal law enforcement can provide a very effective deterrent effect. Therefore, in practice, criminal law enforcement is always applied selectively (Sukanda Husin, 2009). The factors that influence law enforcement according to Soerjono Soekanto are: (Soerjono Soekanto, 2008)

1. The legal factor itself
2. Law enforcement factors
3. Factors of facilities and facilities that support law enforcement
4. Community factors

5. Cultural factors

In Indonesia, there are several law enforcers or executors, such as judges, prosecutors, and police, each of which has its own functions (Soerjono Soekanto, 2016). The Traffic Unit (SATLANTAS) is an implementing element of the main task of the police in charge of carrying out traffic regulation, guarding, escorting and patrolling. The other tasks of the traffic unit are traffic public education, registration and identification services for motorized vehicles and drivers, traffic accident investigations and as law enforcers in the field of traffic that ensure compliance with Law Number 22 of 2009 concerning road traffic and transportation (Kepolisian Resor Kota Besar Surabaya, 2023).

In general, activities in traffic law enforcement can be divided into two parts, namely:

1. Preventive law enforcement, which includes activities of traffic regulation, traffic guarding, traffic escort and traffic patrol. In its implementation, these activities constitute a traffic security system between one sub-system and another.
2. Repressive law enforcement includes prosecution of violations and investigation of traffic accidents, prosecution of traffic violations includes verbal enforcement by giving a warning or warning and in writing by giving a ticket (Andi Talga Setiawan Gultom, 2012).

From the results of research data in 2020 there was only 1 case of minor violations, namely not wearing a helmet. The cause of the lack of violations in 2020 is that the police did not hold swiping or routine operations as in previous years because in 2020 the covid-19 virus continued to increase, so the police decided not to hold swiping or routine operations to reduce interactions during the pandemic (Ipda Suwardi, 2023).

From the results of research data in 2021 which we can see above, there were 168 cases of minor violations consisting of several types of violations, namely; exceeding the speed limit, not wearing a helmet, going against the direction, vehicle completeness, vehicle documents, more than one passenger and violating sign markings. There were 28 cases of moderate violations with the types of violations committed by minors. The total number of violations in 2021 was 196 cases of violations committed by motorcycle drivers. With the most frequent cases of violations, namely, not carrying complete documents (SIM and STNK) when driving as many as 79 cases and not using SNI standard helmets as many as 62 cases. Although just like the previous year, law enforcement of traffic violations could not be carried out optimally due to the co-19 pandemic. However, the number of cases of traffic violations in 2021 is higher than in 2020.

From the results of the research data above in 2022, 265 cases of minor violations consisted of several types of violations, namely; exceeding the speed limit, not wearing a helmet, going against the direction, vehicle completeness, vehicle documents, more than one passenger, violating signs, and not turning on the headlights. While there were 44 cases of moderate violations with the types of violations committed by minors. The total number of violations in 2022 was 309 cases of traffic violations committed by motorcycle drivers. Just like the previous year, the most common cases of violations were not carrying complete documents when driving and not wearing SNI helmets. When compared to 2020 and 2021, the number of traffic violations committed by motorcycle drivers in 2022 is higher than the last 2 years. In enforcing the law on traffic violations in 2022, it also cannot be done optimally, even though people are starting to move normally but it is not certain that the covid-19 pandemic has ended.

Efforts to Counter Traffic Violations Against Motorcycle Drivers.

The development of development and increasing economic growth has an impact on the facilities and infrastructure supporting the transportation mode which has implications for the emergence of increasingly complex traffic problems. The growth of motorized vehicle ownership is growing rapidly if it is not matched by adequate road length, driving skills and traffic discipline for motorized vehicle users and other road users, resulting in high traffic violations and the level of traffic accidents shows a very concerning condition. There are many problems related to traffic violations, ranging from minor to serious (Wirjono Prodjodikoro, 2003).

Traffic is the lifeblood of society, as the community's ability to grow and develop is greatly influenced by traffic factors. Security and safety on the road is one of the expectations of road users.

In an effort to suppress and solve traffic problems, it is not solely the responsibility of the traffic police alone but is a functional, interrelated relationship between the traffic police and road user awareness.

The Maros police traffic unit (Satlantas) made several efforts in tackling traffic violations in the Maros police jurisdiction, namely:

1. Pre-emptive Efforts

   Pre-emptive efforts are initial efforts made by the traffic police to prevent an offense in the form of fostering positive activities (Anny Yuserlina, 2019). The initial effort made by the Maros police was to carry out socialization to junior and senior high schools, by becoming the master of ceremonies educating traffic ethics to students. This effort is to instill values or norms regarding traffic ethics in junior and senior high school students, so that even if there is an opportunity to commit a violation they will feel reluctant to do so (Ipda Suwardi, 2023).
2. Preventive Efforts

   Preventive is the next step after pre-emptive efforts. Preventive efforts emphasize eliminating opportunities to commit crimes/violations. With the existence of obedient operations or what is often called routine swiping and the presence of police at every security post on the road is an effective step in closing opportunities for violators. Where violators do not dare to bring vehicles on the road.
3. Repressive Efforts

   Repressive efforts are usually carried out when there has been a criminal offense or crime whose actions are in the form of law enforcement by imposing penalties. One example of this effort is if the police find a motorcycle driver who uses a brong exhaust, the police will immediately give a ticket to the motorcycle driver. Before that it had also been conveyed that it was forbidden to use a brong exhaust, this brong exhaust disturbed the community because of the noise.

CONCLUSION

Law Enforcement against Motorcycle driver traffic violations in Maros Regency, from the research data, violations committed by the Maros community every year continue to increase. In 2020 there were 1 case, in 2021 there were 196 cases, and in 2022 there were 309 cases of violations committed by motorcycle drivers. Cases that are often committed by violators in Maros Regency are as follows: not wearing a SNI standard helmet, not carrying a complete SIM and STNK when driving, and motorcycle drivers who are underage. One of the factors causing less than optimal law enforcement since 2020-2022 is due to the covid-19 pandemic.

Efforts to overcome traffic violations by motorbikes at Maros Police Station are carried out several actions to suppress traffic violations, namely: pre-emtif efforts in the form of socialization to schools, preventive efforts in the form of obedient operations/swiping, repressive efforts in the form of giving ticket sanctions to brong exhaust violators.

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